

## **KRS 15.520, the Police Officer's Bill of Rights, and Its Applicability to Complaints from within the Police Department**

Pearce v. University of Louisville, and Hill v. City of Mt. Washington, 2012-SC-000104-DG, had been combined and subsequently were decided by the Kentucky Supreme Court on December 18, 2014.

These are two separate opinions that were combined under discretionary review regarding the applicability of KRS 15.520, commonly referred to as the "Police Officer's Bill of Rights", to intra-departmental complaints, or those filed from within the police department, as opposed to a "citizen's complaint" filed from outside the department. The Court recognized the significant concern to law enforcement personnel and their employing agencies. The Court also noted that several amicus briefs were filed on behalf of both sides.

**ISSUE:** Does KRS 15.520, the Police Officer's Bill of Rights, apply to actions that originate from within the police department or merely to actions that originate from "citizen's complaints" outside of the department?

**HELD:** Yes, KRS 15.520 does "apply to disciplinary actions that originate from within a police department as well as to disciplinary actions initiated upon complaints from persons outside the police department."

Previously, the Kentucky Court of Appeals had ruled that KRS 15.520 did not apply to intra-departmental complaints against officers. The Kentucky Supreme Court disagreed with the Court of Appeals' conclusion that KRS 15.520(1) provides "due process rights for police officers only in matters based upon a citizen's complaint and to otherwise deny those rights to officers facing disciplinary action based upon intra-department complaints." KRS 15.520 is obviously not intended to provide police officers with any sort of shield or immunity against criminal prosecutions not available to the general public.

The Court added that the statutory protections in the Bill of Rights "were intended as a *minimal* level of safeguards for police officers in disciplinary proceedings." Further, "the entire tone and tenor of KRS 15.520 suggests *uniformity* of due process protections to police officers all across the Commonwealth..."

Note: Law enforcement must be mindful that KRS 15.520 also operates in association with additional statutory provisions regarding discipline, including but not limited to Chapter 70, Chapter 83A, Chapter 90 and Chapter 95.

The full text of KRS 15.520 is available at <http://www.lrc.ky.gov/Statutes/statute.aspx?id=967>.

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